

TITLE XIII: PUBLIC SAFETY

Chapter

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CHAPTER 130: PRIVATE SEWAGE DISPOSAL SYSTEMS

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disposing of sewage which have been built, or are intended to be built, or are being maintained by any person.

PUBLIC SEWER. Any sewer constructed, installed, maintained, operated and owned by a municipality, or other unit in government, or taxing district. A sewer established or maintained for the purpose of carrying surface water run-off and subsoil drainage shall not be considered a public sewer under this definition.

§ 130.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMBINED SEWER. A sewer receiving both surface water run-off and sewage.

CONTIGUOUS. Any actual contact; touching; or within 300 feet, though not in actual contact. Further, **CONTIGUOUS** is intended to mean and include any and all adjacent lots and building sites regardless of present or future ownership.

COUNTY HEALTH OFFICER. The appointed health official and all other employees of the County Health Board designated by said Board to be an authorized representative.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

PRIVATE SEWAGE DISPOSAL SYSTEM. Individually or collectively those constructions or devices used for the collecting, pumping, treating, or

RESIDENCE. Is meant to include any living facility for human habitation whether used for part time or full time purposes and includes without limitation all homes, mobile homes, cottages, permanently established travel trailers, permanent pads or other parking spaces.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. The water-carried waste derived from ordinary living process.

SEWAGE DISPOSAL SYSTEM. Any arrangement of devices and structures designated to, or used for, receiving, treating or disposing of sewage.
(BC Ord. 1985-15, passed 10-28-85)

§ 130.02 SYSTEM REGULATIONS.

(A) Where a public, sanitary or combined sewer is not available, all persons shall comply with the following provisions of this chapter for private sewage disposal systems.

(B) It shall be unlawful for any person to place, deposit or permit to be deposited any human excrement or sewage in a manner which does not

comply with the provisions of this chapter or in any unsanitary manner upon public or private property within the county.

(C) At any business building situated within the county, where there is installed or to be installed a private sewage disposal system which is not connected to a public sewer system, and no public sewer system is contiguous, there shall be established or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E. 13 and as amended of the Indiana State Board of Health, which is herewith adopted by reference.

(D) Any privy situated within the county shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Any privy shall be located so as not to in any way allow contamination to enter into the surface or subsurface water of the county.

(E) (1) All private sewage disposal systems and privies shall be installed, constructed and maintained in an approved manner as described in Bulletin S.E. 11, S.E. 13 and 410 IAC 6-8 of the Indiana State Board of Health or amendments and supplements thereof and hereinafter adopted by said Board, which are herewith adopted by reference as part of this section.

(2) The installation of any other private residential sewage disposal systems not described in Indiana State Board of Health Bulletins may be approved by the Warrick County Health Officer after applicant has filed the requirements and plans and specifications of such device or system in the Health Office of the county.

(F) (1) Should any breakdown occur or defect exist in any private sewage disposal system or privy which would cause said disposal system to fail to meet the requirements of divisions (B), (C), (D), or (E) above, and/or in any way cause improperly treated sewage to escape from the property of the owner of

said system, or in any way cause pollution to enter the waters of the county, the tiles or drains in the county or the tiles, the surface water, or subsurface water of any other private person within this county, the defects will be corrected immediately by the owner or agent of the owner, occupant, or agent of the occupant.

(2) Until such time as said defect is corrected, said system shall not be used for the reception of any further garbage or sewage until such defect is corrected and a certificate of said correction is issued by the County Health Officer.

(3) The County Health Officer upon discovery of any condition as set out above in this section, shall issue an immediate order to the owner and occupant of the land stopping or restricting the use of said sewage disposal system.

(4) Violation of this section shall be violation of this chapter and the violator shall be subject to the penalties described in § 130.99.

(G) Whenever an available public sewer, combined sewer or sanitary sewer approved by the Public Service Commission or the Indiana State Board of Health becomes contiguous and is within 300 feet of the building line of a residential or business property, served by a private sewage disposal system or privy, situated within the county, a direct connection shall be made to said sewer and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

(H) Whenever a new business building or subdivision is developed in an area where a public or sanitary sewer, or combined sewer is contiguous and available, a connection shall be made to said sewer.

(I) Whenever an available public sewer, combined sewer or sanitary sewer ("Public Sewer") approved by the Public Service Commission or the Indiana State Board of Health is contiguous or within 300 feet of the building line (as established by Warrick County zoning ordinance) of a residential property that

is being developed for a residential home and is situated within the county, a direct connection shall be made to said public sewer. The County Board of Health may grant a special permit waiving this connection requirement if the residential homeowner provides the County Board of Health with the following:

(1) The applicable Municipal Works Board waives in writing any tap-in rights the Municipal Works Board may have or otherwise waives the Municipal Works Board's enforcement rights under I.C. § 36-9 *et seq.*, against the homeowner and all successors-in-title, unless and until:

(a) The homeowner or successor-in-title consents to the public sewer tap-in;

(b) The residential property receiving said waiver is annexed by a municipality; or

(c) The septic system fails thereby creating a public health hazard as determined by the County Board of Health; and

(2) A written statement by the homeowner affirming that the cost to connect to the public sewer line is equal to or exceeds the cost of installing any acceptable private sewage disposal system.
(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 2017-15, passed 6-26-17) Penalty, see § 130.99

§ 130.03 LAND REQUIREMENT.

(A) Areas which are rated severe for septic tank absorption fields by the U.S. Department of Agriculture Soil Conservation Service must have a minimum of two and one-half acres.

(B) Land areas which have been legally divided and recorded before June 24, 1975, may be less than two and one-half acres in size, but must have enough suitable land for a septic tank absorption field, which shall be determined by the County Health Officer,

with any tests, plans and specifications, the Health Officer may require to be submitted before approval of the application.

(BC Ord. 1985-15, passed 10-28-85) Penalty, see § 130.99

§ 130.04 PERMITS AND INSPECTIONS.

(A) Before commencement of construction of any building or residence, or before location of a mobile home on a plot of ground where a private sewage disposal system or privy is to be installed, or where any alteration, repair, or addition to an existing private sewage disposal system is planned, the owner or agent shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by the County Board of Health, which application shall be supplemented by any plans, specifications and other information as is deemed necessary by the County Health Officer and a \$100 fee paid to the County Health Department at the time the application is filed.

(B) A private sewage disposal system or privy for which a permit has been issued shall not be used until the installation is completed to the satisfaction of the County Health Officer. He or his agent, shall be allowed to inspect the work during any state of construction; and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the County Health Officer.

(C) A private sewage disposal permit shall be effective for a period of two years from the date of issuance. A private sewage disposal system must be installed in compliance with this chapter before the residence which it serves can be occupied.

(D) No person shall install, construct, alter, repair or make any addition to a private sewage disposal system unless a permit from the County Health Officer has been first issued for such work.

(E) All permits issued hereunder shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

(F) Should the County Health Officer, after examination of such application or construction find the same to be in conflict with any terms and provisions of this chapter, he shall, in writing addressed to the applicant, reject such application.

(G) (1) All applications for approval of any new subdivision or any part thereof shall be submitted directly to the County Board of Health for approval of the manner and method of the disposal of domestic and sanitary sewage where provision is not provided for connection to a public sewer or a combined sewer.

(2) If the Board does not approve said application, notice of the disapproval shall be transmitted within ten days after said disapproval to the applicant thereof and the County Area Plan Commission.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1991-16, passed 7-22-91; Am. BC Ord. 2013-19, passed 7-22-13) Penalty, see § 130.99

§ 130.05 INSPECTION AND NOTICE OF VIOLATION.

(A) The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at any reasonable daylight time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this chapter.

(B) Any person found to be in violation of any provision of this chapter may be served by the County Board of Health or the duly appointed Health Officer, with a written order stating the nature of the violation and providing a 30-day time limit for satisfactory correction thereof.

(C) After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in said order and within the time limit included therein. Said order shall be served on the owner or the owner and the occupant or on the agent of the owner but may be served on any person, who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

(D) When called upon by the owners of any private sewage disposal system to test said system the County Department of Health and Animal Control shall charge a fee of \$50 for each dye test and a fee of \$10 for each water test requested. All funds received hereunder shall be deposited in the same manner and through the same accounts as other fees charged under the provisions of this chapter.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1989-14, passed 7-24-89; Am. BC Ord. 1991-16, passed 7-22-91)

§ 130.06 RULES AND REGULATIONS.

The County Health Board may adopt any reasonable rule or regulation in regard to the inspection, certification, enforcement, construction and design of private sewage disposal systems under this chapter which are not in conflict thereof. Any such rule shall be approved by the County Board of Commissioners and duly promulgated as is by law required.

(BC Ord. 1985-15, passed 10-28-85)

§ 130.99 PENALTY.

Any person found to be violating any provision of this chapter shall, upon conviction, be punished for the first offense by a fine of not more than \$500; and for the second offense or subsequent offense by a fine

of not more than \$1,000. Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

(BC Ord. 1985-15, passed 10-28-85)

CHAPTER 131: ANIMALS

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GENERAL PROVISIONS

§ 131.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. An animal over six months of age.

ANIMAL. Any living, domestic animal, including fowl, mammals and reptiles, except human beings.

ANIMAL CONTROL OFFICER. The officer appointed by the County Health Officer to enforce this chapter. The term shall also refer to the Animal Control Officer's deputies, assistants, and employees, as well as Sheriff's Department deputies.

ANIMAL WELFARE ORGANIZATION. Any nonprofit organization given tax exempt status under 26 USCA 501(c)(3) for the purpose of prevention of cruelty or neglect to animals and incorporated under the laws of Indiana.

AT LARGE. Any animal being loose and free roaming off the owner's real property, and not being on a leash under the control of a competent person.

DANGEROUS DOG.

(1) Any dog that, according to the records of the Animal Control Officer:

(a) Inflicts severe injury on a human, without provocation, on public or private property;

(b) Aggressively bites, attacks, or endangers the safety of a human or any other animal, without provocation, after the dog has been classified as a potentially dangerous animal and the owner of the dog has been notified of such classification; or

(c) Has at any time been trained, owned, or harbored for the purpose, primarily or in part, to engage in animal fighting, even when such dog has not been classified previously as a potentially dangerous animal.

(2) A dog that is defending itself, or its owner's home, is not a dangerous dog if:

(a) The dog is kept primarily to guard and protect the owner and/or the owner's premises; and

(b) The owner has posted appropriate signage along the perimeter of the owner's property that reasonably notifies other individuals as to the dog's presence, according to the discretion of the Animal Control Officer.

DOMESTIC ANIMAL. Any tame animal associated with family life or accustomed to life in or near the habitation of humans or such as to contribute to the support of a family, including, without limitation, a dog, cat, horse, cattle (bovine), sheep, goat, rabbit, mouse, rat, donkey, guinea pig, hamster, gerbil, pigeon, chicken, turkey, goose, duck, llama, pig, bison, chinchilla, mink, or ferret.

EXOTIC ANIMAL. Any animal whose native habitat is not indigenous to the continental United States of America except for fish, fur-bearing animals that are commercially bred for the furrier trade, and birds protected under federal laws and regulations.

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

KENNEL. A facility maintained in a single location utilized for breeding, boarding, training or sale of dogs and/or cats.

LIVESTOCK. Certain domestic animals, including, without limitation, cattle (bovine), sheep, pigs, goats, bison, llamas, horses, mules, and donkeys. **LIVESTOCK** does not include aquatic animals, fish, dogs, cats, rabbits, mice, rats, guinea pigs, gerbils, chinchillas, minks, ferrets, poultry, and/or other birds.

MAJOR KENNEL. A kennel consisting of 15 or more dogs and/or cats.

MICROCHIP. A computer chip implanted underneath the skin and between the scapula of an animal which contains information relating to said animal.

MINOR KENNEL. A kennel consisting of less than 15 dogs and/or cats.

NUISANCE.

(1) An animal is considered a nuisance if it:

(a) Interferes with or molests passersby or passing vehicles;

(b) Attacks another animal or person;

(c) Is at large;

(d) Damages private or public property;

(e) Causes frequent, persistent loud noises or other sounds common to its species which disrupt the comfort or repose of any person in the immediate neighborhood or in any residential area, unless said animal is kept in the operation of a boarding kennel, kennel, training facilities, or for the practice of animal husbandry;

(f) Damages, soils, defiles, or defecates on any public right-of-way;

(g) Trespasses on, soils, defiles, defecates on, or damages private or public property, including, but not limited to, the leaving of waste material; or

(h) Is allowed to create any condition which poses a substantial risk of harm to the public health, safety, welfare, or environment.

(2) An animal that is defending itself, or its owner's home, is not a nuisance if:

(a) The animal is kept primarily to guard and protect the owner and/or the owner's property; and

(b) The owner has posted appropriate signage along the perimeter of the owner's property that reasonably notifies other individuals as to the animal's presence, according to the discretion of the Animal Control Officer.

OWNER. Any person, having the right of property in, or custody of, an animal.

PERSON. An individual, firm, limited liability company, association, partnership, corporation, nonprofit, or other legal entity recognized under the laws of the State of Indiana.

POCKET PETS. Certain domestic animals, including hamsters, gerbils, mice, rats, chinchillas, guinea pigs, sugar gliders, and hedgehogs.

PRIMARY ENCLOSURE. A structure that meets the following requirements:

(1) Suitable to prevent the entry of children younger than 12 years of age into the structure and to prevent the animal from escaping the structure;

(2) Consists of secure sides and a secure top that are sufficient in height to prevent the animal from escaping over the sides of the structure; and

(3) Provides the animal appropriate protection from adverse weather conditions.

STRAY. Any animal that is not within the real property limits of its owner and is not under restraint or is unattended.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

CONTROL AND CARE OF ANIMALS

§ 131.15 ANIMALS RUNNING AT LARGE.

(A) No owner of any animal shall allow said animal to stray beyond the owner's property or premises unless the animal is maintained on a leash or is engaged in lawful hunting and accompanied by the owner.

(B) No owner of any animal, except for an animal which is hereinabove provided, shall allow said animal to stray beyond the owner's property or premises, unless the animal is under the reasonable control of some person.

(C) It is unlawful for a person to knowingly or intentionally kill any domestic animal running at large on his or her property without the consent of the owner of the domestic animal, unless the person reasonably believes the conduct is necessary to:

(1) Prevent injury to the person or another person;

(2) Protect the property of the person from destruction or substantial damage; or

(3) Prevent a seriously injured vertebrate animal from prolonged suffering.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.16 ANIMAL NUISANCE.

(A) No owner shall own, keep, possess, or otherwise harbor any animal that is a nuisance.

(B) The Animal Control Officer, in his or her sole discretion, shall determine whether an animal is considered a nuisance as defined in this chapter.

(C) An owner of an animal determined to be a nuisance shall be subject to a fine for violating this chapter. The Animal Control Officer shall impound an animal determined to be a nuisance according to §§ 131.41 through 131.44.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.17 DANGEROUS DOGS.

(A) No owner shall own, keep, possess, or otherwise harbor a dangerous dog.

(B) The Animal Control Officer, in his or her sole discretion, shall determine whether a dog is considered a dangerous dog as defined in this chapter.

(C) An owner of a dog determined to be a dangerous dog shall be subject to a fine for violating this chapter. The Animal Control Officer shall impound a dog determined to be a dangerous dog according to §§ 131.41 through 131.44.

(BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18) Penalty, see § 131.99

§ 131.18 SHELTER REQUIREMENTS.

(A) An owner shall provide adequate shelter for all domestic animals as required herein:

(1) Shelter for a domestic animal shall consist of a structure with a bottom, top, and three sides that is of sufficient size for the age, breed, and size of the domestic animal.

(2) When sunlight is likely to cause overheating or discomfort to a domestic animal, the owner shall provide sufficient shade to allow all domestic animals that are kept outdoors to protect themselves from direct sunlight.

(3) The owner shall provide access to shelter with a windbreak and watershed to protect domestic animals that are kept outdoors from weather conditions which would constitute a health hazard to domestic animals.

(B) Appropriate shelter for livestock, shall consist of a windbreak and watershed to protect the livestock from weather conditions which would constitute a health hazard to said livestock.

(C) All animals shall be kept in a sanitary manner. The owner of any animal shall maintain said animal's areas, or any areas of animal contact, so as to prevent odor or the maintenance of said animal in an unsanitary environment. An animal's areas shall be kept free from accumulation of excrement, water, and mud.

(D) The owner of any livestock shall maintain any areas where livestock is located in a sanitary manner and ensure that said livestock area is free from materials and debris that may cause injury to the livestock, including, without limitation, barbed wire, exposed glass, and an accumulation of trash or waste material.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.19 HOUSING REQUIREMENTS.

(A) Animals must have access to sufficient ventilation at all times as to provide for the health and well-being of the animal and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows and/or vents, such as fans or air-conditioning units.

(B) Housing of animals kept inside a crate or floor cage must allow said animal to stand up, turn around, and lie down comfortably. The enclosed areas of said crate or floor cage shall be free of feces and urine.

(C) An owner shall not cause an animal to be kept inside a crate or floor cage continuously, according to the discretion of the Animal Control Officer.

(D) Livestock must be housed or kept in an area that is free from materials and debris that may cause injury to the livestock, including, without limitation, barbed wire, exposed glass, and an accumulation of trash or waste material.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.20 FOOD AND WATER.

No owner of an animal shall fail to supply such animal with potable drinking water and adequate food that is nutritional for the age and species in adequate amounts to maintain good health. An emaciated condition of any animal, or an unnatural and excessive

craving for food and/or drink exhibited by any animal, shall be prima facie evidence of the owner's failure to properly feed and/or provide water to such animal as is required herein.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.21 MEDICAL CARE.

All animals shall be provided with reasonable and necessary medical care in addition to any required vaccinations. Livestock shall be provided with reasonable and necessary medical care, including, but not limited to, farrier and dental care. Grooming of an animal that normally requires it shall be free of excessive matting so as to allow the animal to move freely without complication or pain.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.22 EXERCISE.

(A) No owner of an animal shall fail to supply such animal with adequate exercise opportunities and area. Any domesticated dog or cat shall have the minimum open exercise area commensurate with their size as follows:

(1) Forty (40) square feet per dog that weighs less than 40 lbs.

(2) Sixty (60) square feet per dog that weighs between 40 lbs. and 80 lbs.

(3) Eighty (80) square feet per dog that weighs more than 80 lbs.

(4) Twelve (12) square feet per cat.

(B) No enclosure shall house more than three adult dogs or cats per enclosure.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.23 MINIMUM AGE REQUIREMENT.

Unless a dog or cat is at least eight weeks of age and has been weaned, no dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation in commerce, or transported in commerce by any person, except those approved by the USDA Animal Welfare Act.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.24 ANIMALS NOT TO BE OFFERED AS NOVELTIES OR PRIZES.

(A) It shall be a violation of this section for a person to sell, offer to sell, trade, barter, or give away, in Warrick County, any live animal, including birds and/or reptiles, for any of the following purposes:

- (1) As a novelty or prize;
- (2) As an inducement to enter a place of amusement;
- (3) As an incentive to enter any business establishment; or
- (4) As an incentive to enter into any business agreement whereby the offer was made for the purpose of attracting trade or business, other than business establishments selling animals as their primary business.

(B) It shall be a violation of this section for any person to transport into Warrick County any live animal, including birds and/or reptiles, for any purpose prohibited in division (A), above.

(C) It shall be a violation of this section for a person to sell, offer to sell, or otherwise dispose of any animals whose appearance has been artificially or chemically colored, sprayed, or painted.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.25 RESTRAINT, HITCHING OR TYING.

(A) Animals must be confined to the owner's real property and not permitted to run loose. While on the owner's real property, but not under the owner's direct control, animals must be secured without means of escape by leash or otherwise to be confined to a pen, fenced (either physical or electronic) enclosure, corral, cage, house or other secure enclosure. In agriculturally zoned areas, however, cats may be allowed to run at large on the owner's property when not under the owner's direct control.

(B) No animal shall be hitched, tied or fastened by any rope, chain, cord, or other similar material that is directly attached to the animal's neck. Animals that are tied, hitched, or fastened shall wear a properly fitted collar or harness, other than a choker type collar. This section does not prohibit the use of a choker-type collar in the training of animals or in the leading of the same.

(C) An owner shall not permit prong-type collars to remain on an animal when the animal is not in training. In no instance shall a prong-like collar be permitted by an owner to remain on an animal for a continuous period of 24 hours or more.

(D) A tether or tie-out for a dog shall be at least three times the length of the dog as measured from the tip of said dog's nose to the tip of its tail. The tether or tie-out shall be of adequate strength for the breed, weight, size, and age of the dog in order to keep the dog secure.

(E) No person shall permit an animal to access a roof or overhang by any means, including, without limitation, through an open window.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.26 CRUELTY.

No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal, or cause, instigate, permit or promote combat between animals, including fowl. The definitions set forth in I.C. 35-46-3 *et seq.*, are incorporated herein by reference.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.27 ABANDONMENT.

No person shall abandon, or cause to be abandoned, any animal anywhere within the county. The definitions set forth in I.C. 35-46-3 *et seq.*, are incorporated herein by reference.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.28 ANIMALS IN VEHICLES.

(A) No animal shall be left unattended in a vehicle when the conditions in said vehicle would constitute a health hazard to the animal.

(B) *Transportation of animals.* Any animal transported in the open bed of a truck while the vehicle is in motion:

(1) Shall be tethered by a halter to the two sides of the corners of the bed of the truck closest to the cab, so long as such halter is not secured to said animal's neck; or

(2) Shall be contained in a secured travel container so as to prevent injury to the animal.

(3) The tail-gate of any vehicle transporting an animal in accordance with this section shall be in a secured, closed position.

(C) No animal shall be transported in the open bed of a truck during inclement weather. Weather temperatures below 32°F, including windchill, and above 90°F, including heat index, as well as any other weather condition that would constitute a health hazard to domestic animals, shall be considered "inclement weather" for purposes of this section.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18) Penalty, see § 131.99

§ 131.29 POISONOUS BAIT; TRAPS.

(A) *Poisonous bait.* No person shall set out any kind of poisonous substance or bait with the intent to do any harm to any domestic animal.

(B) *Traps.*

(1) No live-animal traps shall be set during inclement weather or in a location which exposes the trap(s) to direct sunlight. Weather temperatures below 32°F, including windchill, and above 90°F, including heat index, shall be considered "inclement weather" for the purposes of this section.

(2) It shall be unlawful for a person to use, place, set, or cause to be used, placed, or set, any snare, net, or other device for the purposes of trapping or capturing any animal upon any land or waters located in Warrick County in any manner that does not result in said animal being captured painlessly or killed instantly.

(3) It shall be unlawful for a person, having placed a lawful trap, snare, or similar device in Warrick County, to fail to inspect and empty said trap, snare, or device at least once during every 24 hour period in which the trap, snare, or device is in place.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18) Penalty, see § 131.99

§ 131.30 ANIMALS IN HEAT.

An animal in heat shall be confined in a secure building, enclosure, or kennel so as to prevent the animal from being a nuisance, except during instances of planned breeding.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.31 KENNEL ENCLOSURES; INSPECTIONS.

(A) The primary enclosures for dogs and cats at kennels shall be constructed and maintained so as to provide sufficient space to allow each dog and/or cat to turn about freely and easily, to stand, and to sit and lie down in a comfortable normal position. No more than three adult dogs or cats shall be housed in the same primary enclosure. All primary enclosures shall provide appropriate exercise floor space as provided in this chapter.

(B) The Animal Control Officer or any Health Department official shall have the right to inspect all permanent or mobile kennels, pet shops, grooming shops, and animal welfare organizations, including, without limitation, shelters, rescues, and foster homes, and/or riding schools or stables at any time during normal business hours.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

§ 131.32 IDENTIFICATION.

An owner shall maintain identification any domestic animal kept as a pet that states the owner's first and last name and a phone number to contact the owner. Said identification may be in the form of one or more of the following:

(A) An identification tag affixed to a collar or harness that is securely worn around the animal's neck;

(B) A collar with an engraved plate that is securely worn around the animal's neck;

(C) A collar that states the necessary information required under this section that is legibly written in permanent marker and which is securely worn around the animal's neck; or

(D) A microchip.

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

IMPOUNDMENT AND RELINQUISHMENT**§ 131.40 IMPOUNDMENT OF ANIMALS.**

The Animal Control Officer, upon reasonable belief that an animal commonly classified as a pet is not being provided with either adequate food, water, exercise, ventilation and/or sanitary shelter, or is being cruelly treated, shall impound the animal and proceed as is provided in §§ 131.37 through 131.39 of this subchapter.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

§ 131.41 RECORDS; NOTICE OF IMPOUNDMENT.

Immediately after impounding any animal as a result of a violation of the provisions of this chapter, it shall be the duty of the Animal Control Officer to enter upon the records of the animal control facility that are kept by the Animal Control Officer for such purposes the date of impounding and a description of the animal impounded. Public notice of the impounding of all animals shall be given by posting one copy of such notice at the Animal Control Facility.

(BC Ord. 1992-2, passed 2-10-92; Am. BC 2016-10, passed 6-13-16; Am. BC Ord. 2018-26, passed 9-24-18)

§ 131.42 REDEMPTION OF ANIMAL.

(A) *Redemption period.* Any animal, including livestock, that is not redeemed by its owner within six days after the posting of such notice shall immediately become the property of Animal Control and be subject to disposition by the Health Department, or its designee, in accordance with § 131.43.

(B) Except as otherwise provided, the owner of any impounded animal, including livestock, may redeem said impounded animal prior to the expiration of the redemption period by meeting the following requirements:

(1) The owner must be 18 years or older;

(2) Paying the sum of \$15 for each day said animal has been impounded, up to and including the day of redemption. Impoundment fees may be modified by Warrick County Animal Control, from time to time, according to its discretion;

(3) Paying to vaccinate the animal for rabies, if needed;

(4) Paying any expenses associated with the implantation of a microchip in any animal, excluding pocket pets or livestock;

(5) Paying any expenses provided to the animal for adequate housing, food, medicine, and/or reasonable and necessary veterinary care.

(C) After an animal's third impoundment, excluding pocket pets and livestock, owner of said animal shall pay any expenses to spay or neuter said animal. Fees and expenses payable for the spaying and neutering of an animal under this section are determinable by Animal Control and may be modified from time to time.

(D) Upon an animal's fourth impoundment, said animal becomes the property of the Health Department and shall not be redeemable by the owner.

(E) An owner's attempted sale or other disposition of an animal that is impounded at an Animal Control facility does not affect the application of this chapter.

(F) An owner in violation of this chapter shall not be permitted to redeem a dog determined to be a dangerous dog pursuant to § 131.17.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, 12-10-18) Penalty, see § 131.99

§ 131.43 DISPOSITION OF UNCLAIMED ANIMALS.

(A) Any domestic animal not reclaimed by its owner within six days of the posting of notice of impoundment at the Animal Control Facility shall be eligible for either adoption, rescue, or euthanasia, whichever is necessary, in the discretion of Animal Control, to carry out the intent of this chapter.

(B) *Adoption.* Adoption of an unclaimed animal from Animal Control requires the following:

(1) The adopting party to pay for a rabies vaccination of said animal, if the animal is one requiring rabies vaccination under the laws of the State of Indiana or by this chapter;

(2) By paying a fee of \$10 for any animal six months of age or older, or a fee of five dollars for any animal under the age of six months. Notwithstanding the foregoing, the cost of an animal that is already spayed or neutered at the time of adoption is \$25. The Animal Control Officer shall be charged with the responsibility of determining the specie and age of the adopted animal. Adoption fees may be modified by Animal Control from time to time, according to its discretion; and

(3) In the event the animal to be adopted has not been spayed or neutered, the animal shall be spayed or neutered prior to finalization of the adoption. The person seeking adoption shall make arrangements with a licensed veterinarian in Warrick County to perform the necessary surgery to spay or neuter the animal. The Animal Control Officer shall deliver the animal to the veterinarian's office for such surgery.

(C) *Rescue*. Rescue of an unclaimed animal from Animal Control requires the following:

(1) The rescuing party pay a fee of:

(a) Five dollars for an animal less than six months of age.

(b) Ten dollars for an animal six months of age or older.

(c) Fifteen dollars for a litter of offspring and the litter's mother.

(2) Rescue fees may be modified by Animal Control, from time to time, according to its discretion.

(3) Each rescuing party be approved by Animal Control for the rescue of the unclaimed animal and have a completed rescue application on file at the Animal Control office. Rescue applications are available at the Animal Control office.

(D) *Euthanasia*. The decision to euthanize an unclaimed animal shall be made at the sole discretion of Animal Control.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18)

§ 131.44 RELINQUISHMENT OF ANIMALS.

(A) Only those animals that have been found in Warrick County may be surrendered to Animal Control.

(B) A person must complete and sign an intake card provided by Animal Control before surrendering an animal to Animal Control.

(C) Animals that are surrendered to Animal Control shall immediately become the property of Warrick County and placed for disposition.

(D) In its sole discretion, Animal Control may provide euthanasia services of animals upon request, following the completion of an euthanasia request form provided to the requesting party by Animal Control. Animal Control shall require the party requesting said service to pay any costs associated therewith. The decision to euthanize an animal pursuant to this section shall be made at the sole discretion of Animal Control.

(E) Stray animals shall be impounded for six days, commencing the day the animal is impounded, as long as space allows and the animal, in Animal Control's discretion, is in good health. If Animal Control determines the animal is sick, contagious, suffering, or extremely dangerous, the animal may be humanely euthanized in accordance with Animal Control procedure.

(F) Prior to Animal Control releasing an animal that is without a means of identification to a person under this chapter, Animal Control may require said animal to be implanted with a microchip at the expense of the person seeking the animal's release. Fees and costs associated with implanting a microchip in an animal for purposes of identification are to be determined by Animal Control and may be modified from time to time, according to its discretion.

(G) Animals that pose a danger to Animal Control employees and staff and that are without a means of identification may be euthanized at the discretion of Animal Control.
(BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18)

RABIES CONTROL**§ 131.50 RABIES VACCINE REQUIRED.**

(A) No owner shall possess within Warrick County any animal three months of age or older that is required by law to have a rabies vaccination, unless such animal has been immunized by a licensed veterinarian with a rabies vaccine of a type approved by the State Board of Health and the Warrick County Board of Health. In accordance with Indiana State law, one year and three year vaccines may be used according to approved label directions.

(B) In no case shall more than the period prescribed on the vaccine label, whether one year or three years, lapse between an animal's rabies vaccination.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.51 KNOWLEDGE OF RABIES OR ANIMAL BITE TO BE REPORTED TO OFFICIALS.

(A) Any person who has knowledge or a reasonable belief that an animal is afflicted with rabies shall immediately notify the Animal Control Officer, the Sheriff's Department or the County Health Officer.

(B) Whenever an animal bites a person, or another animal, the owner of said biting animal shall immediately notify the Animal Control Officer.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.52 BITE REPORTS.

(A) Following receipt of an animal bite report, the Animal Control Officer shall determine if the animal accused of biting has been properly inoculated with a rabies vaccine.

(B) Upon the reporting of an animal bite to an Animal Control Officer, the owner of the animal accused of biting shall surrender the animal to the Animal Control Officer for quarantine.

(C) An owner of an animal who refuses to surrender the animal to the Animal Control Officer upon request violates this chapter.

(D) Upon receipt of an animal bite report, the Animal Control Officer may enter upon private property, excluding closed buildings, if he or she has reasonable grounds to believe that a biting animal is located on said property.

(E) Upon taking possession of a biting animal, or an animal accused of biting, the Animal Control Officer shall order the animal to be held in quarantine for a period of ten days. In the absence of evidence of a rabies immunization, the animal shall be held in quarantine at the Animal Control Facility or a licensed veterinary facility. If the Animal Control Officer determines that the animal accused of biting has been properly inoculated with a rabies vaccine, the animal may, at the discretion of the Animal Control Officer, be quarantined in the home of the owner or other responsible person if the owner of the animal agrees in writing to comply with all of the provisions of the Home Quarantine Guidelines issued by the State of Indiana. The Home Quarantine Guidelines shall include, without limitation, the following:

(1) The Health Officer, or the Animal Control Officer, shall appoint a licensed veterinarian to examine the animal immediately after it has been accused of biting, and again at the end of a ten day quarantine period. The owner of the animal accused of biting shall be responsible for the costs incurred in examining the animal, as well as a boarding fee of \$15 per day, which costs shall be paid prior to the release of the animal at the end of the quarantine period. If the animal is quarantined at a veterinary facility of the owner's choice, the owner shall be solely responsible for the costs and care of the animal in said facility.

(2) If, at the end of the ten day quarantine period, the veterinarian appointed by the Health Officer or the Animal Control Officer reasonably believes that the animal is not afflicted with rabies, said animal shall be released from quarantine contingent upon the following:

(a) Compliance with the payment requirements set forth in § 131.43;

(b) Compliance with the inoculation requirements set forth in this section; and

(c) Payment of veterinary expenses for examination during quarantine required under this section.

(3) If an animal dies at any time during a ten day quarantine period, the animal's head shall be sent to the Indiana State Department of Health for examination. Any costs incurred by Warrick County in connection with such examination shall be the responsibility of the owner of the animal and paid upon notice thereof.

(4) No animal shall be destroyed or otherwise disposed of at any point during the ten day period in which the animal is quarantined without the express permission of the Health Officer.
(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18) Penalty, see § 131.99

ADMINISTRATION

§ 131.65 FUNDS DEPOSITED IN COUNTY HEALTH FUND.

All funds collected by Animal Control shall be deposited in the Animal Control Fund.
(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

Cross-reference:

Funds, see Ch. 37

§ 131.66 RULES AND REGULATIONS FOR ANIMAL CONTROL FACILITY.

(A) The Health Board is authorized to expend annually in the construction, maintenance and supervision of the county animal control facility, and in the payment of salaries and expenses incurred in the administration of this chapter, or so much as may be necessary, from the sums which may hereafter annually be appropriated for such purpose.

(B) The administration of the animal control facility and all employees thereof, and those engaged in its maintenance, shall be under the jurisdiction of the Health Department and the Health Officer, which department and officer are authorized to enforce the rules and regulations adopted by it for the administration thereof, and to adopt such rules and regulations necessary in the discretion of the Board of Health for the accomplishment of the intent and purposes of this chapter.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

§ 131.67 PERFORMANCE OF DUTIES.

No person shall interfere in the performance of the duties under this chapter by the Animal Control Officer, Health Officer, and/or their employee(s) or designee(s).

(BC Ord. 2018-26, passed 9-24-18) Penalty, see § 131.99

§ 131.68 VIOLATIONS.

The Animal Control Officer may issue a written notice of violation to persons believed to be in violation of this chapter, setting forth the nature of the offense.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2018-26, passed 9-24-18)

§ 131.69 SUBSEQUENT VIOLATIONS.

A violation committed by a person more than two years after the most recent violation committed by the same person shall constitute a first violation for purposes of this chapter. Any violation committed by a person that occurs within two years of a prior violation committed by the same person shall constitute a subsequent violation for purposes of this chapter.

(BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) The Board of Health, or its designees, shall have the authority to set a reasonable fine for any violation of this chapter. A copy of the current fee schedule shall be posted at the animal control facility at all times.

(B) Notwithstanding the above, the penalty for a first offense of violation of this chapter shall be a fine not to exceed \$100.

(C) Notwithstanding the above, the penalty for any subsequent violation of this chapter shall be a fine not to exceed \$500.

(D) Notwithstanding the above, any person found in violation of this chapter shall be responsible for filing fees incurred and attorney fees of up to \$250 in the event the violation committed by the person is the subject of litigation.

(BC Ord. 1992-2, passed 2-10-92; Am. BC 2016-10, passed 6-13-16; Am. BC Ord. 2018-26, passed 9-24-18; Am. BC Ord. 2018-34, passed 12-10-18)

CHAPTER 132: HEALTH AND SAFETY

Section

- 132.01 Fee for flu shots
- 132.02 Fee for TB testing
- 132.03 Fee for pneumonia inoculation
- 132.04 Fee for vaccine administration
- 132.05 Fee for privately purchased immunizations
- 132.06 Physician, abortion provider, hospital; requirement for admitting privileges
- 132.07 Fee for pregnancy testing

§ 132.01 FEE FOR FLU SHOTS.

(A) There shall be a fee charged and collected for the service of influenza inoculation provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each flu shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists. (BC Ord. 1994-14, passed 6-27-94; Am. BC Ord. 2000-5, passed 2-28-00)

§ 132.02 FEE FOR TB TESTING.

(A) There shall be a fee charged and collected for the service of Mantoux (TB) provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for Mantoux (TB) testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Public Health Nurse may give TB certification class to any interested party. The cost of the certification shall be \$15, \$5 of which is required to be paid to the American Lung Association.

(D) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(E) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists. (BC Ord. 1994-15, passed 6-27-94; Am. BC Ord. 1997-14, passed 9-8-97; Am. BC Ord. 2003-04, passed 2-19-03)

§ 132.03 FEE FOR PNEUMONIA INOCULATION.

(A) There shall be a fee charged and collected for the service of pneumonia inoculation provided by

the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each pneumonia shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependents behalf;

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the local Health Maintenance Fund to be used for the purposes for which the fund exists.
(BC Ord. 2003-03, passed 2-19-03)

§ 132.04 FEE FOR VACCINE ADMINISTRATION.

(A) There shall be a fee charged and collected for the service of vaccine administration provided by the County Department of Health and Animal Control (hereinafter Department) as set out in division (B) unless the fee is waived under division (C).

(B) The fee for vaccine administration shall be \$5 per individual vaccinated.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, that the person does not have the ability to pay the fee for the person or dependent.

(D) The fee imposed by division (B) shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.
(BC Ord. 2004-15, passed 11-17-04; Am. BC Ord. 2012-28, passed 9-10-12)

§ 132.05 FEE FOR PRIVATELY PURCHASED IMMUNIZATIONS.

(A) There shall be a fee charged and collected for the service of providing privately purchased immunizations provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each immunization shall be the actual cost of the immunization plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists.
(BC Ord. 2005-12, passed 6-15-05)

§ 132.06 PHYSICIAN, ABORTION PROVIDER, HOSPITAL; REQUIREMENT FOR ADMITTING PRIVILEGES.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PHYSICIAN. As defined in I.C. 16-18-2-282.

ABORTION PROVIDER. A physician which performs abortions.

HOSPITAL. As defined in I.C. 16-18-2-179(b).

(B) An abortion provider may not perform an abortion in the county unless the physician has admitting privileges at a hospital located:

(1) In the county; or

(2) In an Indiana county adjacent to this county.

(C) An abortion provider who performs an abortion in the county shall notify the patient of the location of the hospital at which the physician has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.

(D) No hospital within the county shall allow an abortion to be performed within its facility unless the procedure is performed by a physician who has admitting privileges at said hospital or a hospital in an Indiana county adjacent to this county.
(BC Ord. 2011-04, passed 2-14-11)

(B) The fee for pregnancy testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where the person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) above shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.
(BC Ord. 2012-28, passed 9-10-12)

§ 132.07 FEE FOR PREGNANCY TESTING.

(A) There shall be a fee charged and collected for the service of pregnancy testing provided by the County Department of Health and Animal Control (hereinafter Department) as set out in division (B) unless the fee is waived under division (C).

CHAPTER 133: OPEN BURNING

Section

- 133.01 Definitions
- 133.02 Allowance of open burning by state law
- 133.03 Open burning prohibited
- 133.04 Exceptions
- 133.05 General requirements
- 133.06 Enforcement

- 133.99 Penalty

burning, and this chapter supplements, but does not replace, the state statutes and state regulations on open burning.
(BC Ord. 2008-10, passed 12-17-08)

§ 133.03 OPEN BURNING PROHIBITED.

(A) No person may openly burn in the county, except as allowed by this chapter or otherwise allowed by state law or regulation.

(B) After giving all notice required by state law, the Board of Commissioners may act to protect the public safety and welfare by declaring an open burn emergency.

(1) The declaration of open burn emergency may contain an expiration date or be continued until revoked by the Board.

(2) The restrictions imposed by the emergency may be limited to specific portions of the county, or may be limited to particular times of the day.

(3) Subject to Indiana and federal law, no person shall set, start, or attempt to set or start, an open burn within the county during the duration of a declared emergency, unless a permit has first been obtained from a local fire department within the county, and the permit is within the possession of the person or entity attempting to set or start such open burn.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY. All unincorporated areas of Warrick County, Indiana.

OPEN BURN. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

PERSON. Any individual, firm, partnership, corporation, association, society or other entity.

WOOD PRODUCTS. Material consisting of, or wholly derived from, wood or vegetation.
(BC Ord. 2008-10, passed 12-17-08)

§ 133.02 ALLOWANCE OF OPEN BURNING BY STATE LAW.

I.C. 13-17-9 and 326 IAC 4-1-3, as amended from time to time, allow various types of open

§ 133.04 EXCEPTIONS.

(A) Open burning of wood products, except for leaves, shall be allowed for the following:

- (1) School pep rallies;
- (2) Fires used for cooking purposes;
- (3) Fires used in scouting activities;

(4) Any allowed open burning of wood products as provided for by state law and state regulation; and

(5) Upon permit from a local fire department within the county.

(B) Except as allowed by state law and regulation, open burning of non-wood products shall be allowed pursuant to a permit issued by the Indiana Air Pollution Control Board, the Indiana Department of Environmental Management, and a permit by the Board of Commissioners.
(BC Ord. 2008-10, passed 12-17-08)

§ 133.05 GENERAL REQUIREMENTS.

All allowable open burning shall conform to this section, unless exempted by the Board of Commissioners, state law or federal law:

(A) A person who open burns any material shall extinguish the fire if it creates a nuisance or fire hazard.

(B) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.

(C) All fires must be attended at all times during burning until completely extinguished.

(D) All asbestos-containing materials must be removed before the burning of a structure.

(E) Asbestos-containing materials may not be burned.

(F) All burning must comply with state and federal laws.
(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.06 ENFORCEMENT.

The county may bring an action for an injunction, as prescribed by state law, to obtain an order restraining or enjoining continuing violations of this chapter.
(BC Ord. 2008-10, passed 12-17-08)

§ 133.99 PENALTY.

(A) Any person who violates any provision of this order shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

- (1) First offense in a calendar year: \$50;
- (2) Second offense in a calendar year: \$100; and
- (3) Third offense in a calendar year: \$150.

(B) Each day that a violation occurs constitutes a separate offense.
(BC Ord. 2008-10, passed 12-17-08)

CHAPTER 134: FOOD ESTABLISHMENTS

Section

- 134.01 Definitions
- 134.02 Permits and permit fees
- 134.03 Minimum sanitation requirements for food establishments
- 134.04 Inspection of food establishments
- 134.05 Disease control
- 134.06 Approval of plans

- 134.99 Penalty

§ 134.01 DEFINITIONS.

(A) The definitions as stated in the Indiana State Board of Health Regulations 410 IAC 7-15.1 (Food Service Sanitation Requirements), 410 IAC 7-16.1 (Retail Food Store Sanitation Requirements), and HFD 21 (Vending of Foods and Beverages) shall be used to enforce the Food Establishment Ordinance. At least two copies of the Indiana State Board of Health Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, shall be on file in the County Auditor's office.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **COUNTY.** Those rural and urban areas which are under the jurisdiction of the County Health Officer.

(2) **FOOD ESTABLISHMENTS.** Any establishment serving food, beverages, retail food markets, and vending machines for potentially hazardous food and beverages. The term **FOOD ESTABLISHMENTS** shall include mobile food establishments for purposes of § 134.03 et seq.

(3) **HEALTH OFFICER.** The Warrick County Health Officer or his duly authorized representative.

(4) **MOBILE FOOD ESTABLISHMENT.** A retail food establishment that is:

- (a) Wheeled;
- (b) On skids;
- (c) Mounted on a vehicle;
- (d) A marine vessel; or
- (e) Otherwise readily movable; such as a pushcart or trailer.

(5) **VENDING MACHINE UNIT.** One or more vending machines for potentially hazardous foods and beverages which are located in the same group.
(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86; Am. BC Ord. 2013-19, passed 7-22-13)

§ 134.02 PERMITS AND PERMIT FEES.

(A) *Permits.*

(1) It shall be unlawful for any person to operate a food establishment in the county, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such permit. The permit shall be for a term of one year beginning on January 1 and expiring December 31 of the same year and shall be renewed annually.

(2) A separate permit shall be required for each food establishment operated or to be operated by any person. A permit issued under this chapter is not transferable from person to person or location to location. A separate permit is required for each vending machine unit.

(3) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *Permit fees.* A fee of \$75 for each permit shall be required for each food establishment with five or fewer employees. A fee of \$100 for each permit shall be required for each food establishment with six through 25 employees. A fee of \$125 for each permit shall be required for each for establishment with 26 through 50 employees. A fee of \$150 for each permit shall be required for each food establishment with 51 or more employees. A late fee of \$50 will be applied after March 1 in the year the fee was due if unpaid by the fee due date identified. A minimum of \$75 per year shall be paid for a permit for the first 12 vending machines of potentially hazardous foods operated as a unit by any one person or company. An additional fee of \$10 shall be paid for each such vending machine over 12 in each vending unit. All permits shall be collected by the Health Officer and shall become a part of the County Health Fund. A fee of \$75 for each permit shall be required for each mobile food establishment. After June 30, the required fee for each mobile food service establishment will be \$50.

(C) *Permit fee exception.* No permit fee shall be required for food establishments operated by a charitable or religious organization which serves food only occasionally or by an educational organization. However, such establishments shall comply with the provisions of § 134.03.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86; Am. BC Ord. 1991-15, passed 7-22-91; Am. BC Ord. 2013-19, passed 7-22-13)

§ 134.03 MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS.

All food establishments shall comply with the minimum requirements specified by the Indiana State Board of Health as now provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated therein and made a part hereof, two copies of which are on file in the office of the County Auditor, for public inspection.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

§ 134.04 INSPECTION OF FOOD ESTABLISHMENTS.

(A) At least two times yearly the Health Officer shall inspect each food establishment and vending machine unit for which a permit is required under the provisions of this chapter.

(B) Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this chapter, or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation.

(BC Ord. 1984-5, passed 2-27-84)

§ 134.05 DISEASE CONTROL.

No person shall be permitted to work in a food establishment who does not meet the health requirements specified by the Indiana State Board of Health as provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

§ 134.06 APPROVAL OF PLANS.

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in § 134.03 of this chapter. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work. (BC Ord. 1984-5, passed 2-27-84)

§ 134.99 PENALTY.

Any person who violates any of the provisions of this chapter or who refuses to comply with any lawful orders, rules or regulations of the Health Officer, as provided in this chapter, shall upon conviction be punished for the first offense by a fine of not more than \$100 and for the second or any subsequent offense by a fine of not more than \$500. Each day of operation in violation of the provisions of this chapter shall constitute a distinct and separate offense. (BC Ord. 1984-5, passed 2-27-84)

CHAPTER 135: TATTOO PARLORS

Section

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- 135.02 Definitions
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- 135.19 Inspections
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§ 135.01 SANITARY OPERATION OF TATTOO PARLORS.

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this chapter and shall maintain the premises in which tattoos are performed and equipment used in the tattoo process in a sanitary manner.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOOD. Human blood.

BLOOD BORNE PATHOGENS. Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) HBC.
- (2) HCV.
- (3) HIV.

CLEANED. Removal of all visible dust, soil, or any other foreign material.

CONTAMINATED. The presence or reasonably anticipated presence of blood or OPIM on an item or surface.

DECONTAMINATED. The use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

DEPARTMENT. The Warrick County Health Department. The Warrick County Board of Health shall be considered part of the Department except for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or Health Officer.

HBV. The hepatitis B virus.

HCV. The hepatitis C virus.

HEALTH OFFICER. The duly appointed Health Officer as set forth in IC 16-20-2-16. The County Health Officer or designee shall be designated as the official in charge of enforcing this chapter. The Health Officer may designate someone in the health department to perform those duties and responsibilities of the Health Officer.

HIV. The human immunodeficiency virus.

INFECTIOUS WASTE. Waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
- (3) Pathological waste.
- (4) Blood and blood products in liquid and semiliquid form.
- (5) Carcasses, body parts, blood, and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
- (6) Other waste that has been intermingled with infectious waste.

OTHER POTENTIALLY INFECTIOUS MATERIALS or OPIM.

- (1) Human body fluids as follows:
 - (a) Semen.
 - (b) Vaginal secretions.
 - (c) Cerebrospinal fluid.
 - (d) Synovial fluid.

(e) Pleural fluid.

(f) Pericardial fluid.

(g) Peritoneal fluid.

(h) Amniotic fluid.

(i) Saliva in dental procedures.

(j) Any body fluid that is visibly contaminated with blood.

(k) All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

(3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

PARENTERAL. Piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts or abrasions.

PERSONAL PROTECTIVE EQUIPMENT. Specialized clothing or equipment worn for protection against contact with blood or OPIM.

SECURE AREA. An area that is designated and maintained to prevent the entry of unauthorized persons.

SEMILIQUID BLOOD, BLOOD PRODUCTS. Blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

STERILIZE. The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

STORE. The containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

TATTOO.

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) Any design, letter, scroll, figure or symbol done by scarring; upon or under the skin.

(3) Any piercing of the mucous membranes or the skin through which needles or other items are inserted for temporary or permanent placement upon a person.

TATTOO ARTIST. Any person who provides a tattoo to an individual or who performs any type of piercing the mucous membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

TATTOO OPERATOR. A person who controls, operates, conducts, manages, or owns any tattoo parlor.

TATTOO PARLOR. Any room or space where tattooing is provided or where the business of tattooing is conducted.

UNIVERSAL PRECAUTIONS. An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.03 TATTOO OPERATOR TRAINING RESPONSIBILITIES.

An individual or entity that is a tattoo operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists, anyone employed by the tattoo parlor, or

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anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(B) Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(C) Ensure that a record of training described in division (A) is maintained, as required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(D) Ensure that a record of training described in division (B) is maintained.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.04 TATTOO OPERATOR RESPONSIBILITIES.

(A) The tattoo operator shall ensure that tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this chapter and the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) The tattoo operator shall require tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in § 135.06.

(C) The tattoo operator shall display a description of compliance with the requirements contained in division D.

(D) The tattoo operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this chapter. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

(E) The tattoo operator shall insure that no illicit drugs or alcohol are consumed or permitted in the tattoo parlor.

(F) The tattoo operator shall insure that no tattoo shall be affixed to any person that is intoxicated.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.05 TATTOO OPERATOR POLICIES.

The tattoo operator shall develop a written policy in compliance with this chapter and the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

(A) Required the use of universal precautions when performing tattooing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(B) Includes the safe handling of infectious waste; and

(C) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.06 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.

(A) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(1) A blood borne pathogen training session provided by the tattoo operator meeting the requirements under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the tattoo parlor's policies on the handling of infectious waste.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.07 PATRON RECORDS.

Records of each patron shall be maintained for two years. The record shall include the following:

(A) Patron's name.

(B) Address.

(C) Age. Age must be verified by two items of identification, one of which must be a valid government issued identification.

(D) Date tattooed.

(E) Design of the tattoo.

(F) Location of the tattoo on the patron's body.

(G) The name of the tattoo artist who performed the work.

(H) Parental consent must be in writing when performed on any minor as permitted by law.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.08 ILLNESS.

Tattoo artists who are experiencing symptoms of acute disease that include, but are not limited to, the following shall refrain from providing tattoos:

- (A) Diarrhea;
- (B) Vomiting;
- (C) Fever;
- (D) Rash;
- (E) Productive cough;
- (F) Jaundice; or

(G) Draining (or open) skin infections, boils, impetigo, or scabies.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.09 HANDWASHING.

(A) Handwashing facilities shall be readily accessible in the same room where tattooing is provided.

(B) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(C) Only single use towels shall be used.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.10 PERSONAL PROTECTIVE EQUIPMENT.

Appropriate personal protective equipment shall be worn as follows:

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

(B) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.11 TATTOOING EQUIPMENT.

(A) Only single use razors shall be used to shave the area to be tattooed.

(B) All stencils shall be properly disposed of after a single use.

(C) If the design is drawn directly onto the skin, it shall be applied with a single use article only.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.12 NEEDLES.

(A) Needles shall be individually packaged and sterilized prior to use.

(B) Needles shall be single use only.

(C) Needles shall be discarded in sharps containers immediately after use.

(D) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.
(BC Ord. 1998-3, passed 4-27-98)

§ 135.13 REUSABLE EQUIPMENT.

(A) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

(B) Records must be maintained to document the following:

(1) Duration of sterilization technique.

(2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.

(3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

(C) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

(D) Reusable contaminated equipment shall be:

(1) Placed in puncture-resistant containers;

(2) Labeled with the biohazard symbol;

(3) Leakproof on both sides and bottom;

and

(4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(E) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.

(F) Reusable tubes shall be effectively cleaned and sterilized before reuse.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.14 DYES OR PIGMENTS.

(A) All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

(B) In preparing dyes or pigments to be used by tattoo artists, only nontoxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used from each patron.

(C) After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.15 WORK ENVIRONMENT.

(A) No tattooing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from areas where tattooing is being conducted. This exclusion does not apply to the following:

(1) Patrol dogs accompanying security or police officers.

(2) Guide dogs accompanying the following:

(a) Blind persons.

(b) Partially blind persons.

(c) Physically disabled persons.

(d) Guide dog trainers.

(e) Persons with impaired hearing.

(C) Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and decontaminated.

(G) All work surfaces shall be nonabsorbent, easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections.

(H) Disinfectant solutions shall be:

(1) A hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or

(2) Sodium hypochlorite, 0.5 % concentration, by volume (common household bleach is 10 % concentration in water); the solution shall be dated and shall not be used if it is more than 24 hours old.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.16 INFECTIOUS WASTE CONTAINMENT.

(A) Contaminated disposable needles or instruments shall be:

(1) Stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this chapter prior to being stored in an unsecured area and sent for final disposal.

(B) Infectious wastes that are contaminated sharps or objects that could potentially become

contaminated sharps shall be placed in containers that meet the following requirements:

(1) Impervious to moisture.

(2) Sufficient strength and thickness to prevent expulsion.

(3) Secured to prevent leakage expulsion.

(4) Labeled with the biohazard symbol.

(5) Effectively treated in accordance with this chapter prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this chapter shall store infectious waste in a secure area that:

(1) Is locked or otherwise secured to eliminate access by or exposure to the general public;

(2) Affords protection from adverse environmental conditions and vermin; and

(3) Has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

(E) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.17 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.

(A) All tattoo operators shall ensure that infectious waste is either treated on-site in accordance with this chapter or transported off-site for treatment in accordance with this chapter.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this chapter. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;
- (3) Chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) Thermal inactivation;
- (5) Irradiation; or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this chapter shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this chapter before it is compacted.

(D) The tattoo operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 103. (BC Ord. 1998-3, passed 4-27-98)

§ 135.18 PERMITS.

(A) *Business.* Each tattoo parlor operation shall obtain a permit from the County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each and every tattoo artist located at each location. The cost for this permit shall be as indicated on the

table below and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the tattoo parlor in the place where the tattoos are performed and shall be clearly visible to the public.

- (1) Permits acquired January 1 through and including March 31 shall be \$500.
- (2) Permits acquired April 1 through and including June 30 shall be \$375.
- (3) Permits acquired July 1 through and including September 30 shall be \$250.
- (4) Permits acquired October 1 through and including December 31 shall be \$125.

(B) *Tattoo artist.* Every person that desires to perform any tattoo shall obtain a "Tattoo Artist Permit" from the County Health Department. This permit must be obtained before any tattoos are affixed to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein in § 135.06. The cost of said permit shall be \$100 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permits shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(BC Ord. 1998-3, passed 4-27-98; Am. BC Ord. 2013-25, passed 10-15-13)

§ 135.19 INSPECTIONS.

The County Health Department shall conduct inspections of each and every tattoo parlor located in Warrick County, Indiana. The Health Department shall conduct a minimum of three inspections per year. Additional inspections may be conducted by the

Health Department as they determine and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Department shall conduct follow up inspections to determine compliance with this chapter.

(BC Ord. 1998-3, passed 4-27-98)

(B) The Health Officer may bring an action in the Circuit or Superior Court to enforce this chapter. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this chapter including reasonable attorney fees.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.20 REVOCATION OF PERMIT.

The Health Officer may suspend or revoke the permit of any tattoo artist or operator for any period of time for any violation of this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA). The operator or artist may have the permit reinstated upon compliance with this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA) and to the satisfaction of the Health Officer. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 *et seq.* The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 *et seq.*

(BC Ord. 1998-3, passed 4-27-98)

§ 135.99 PENALTY.

(A) If a tattoo artist or operator shall fail to obtain a permit prior to the conduct of their business or at any time after one has been issued, but has expired, the tattoo artist and/or operator may be subject to a fine of not more than \$2,500. Each day the tattoo artist and/or operator shall be in violation of this chapter shall constitute a separate offense.

CHAPTER 136: COLLECTION, DELIVERY AND PROCESSING OF SOLID WASTE AND RECYCLABLES

Section

Acceptable Waste

136.01 Definitions

136.02 Delivery of acceptable waste

Enforcement of Curbside Collection Program

136.10 Definitions

136.99 Penalty

Cross-reference:

Solid waste, see Ch. 50

ACCEPTABLE WASTE

§ 136.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCEPTABLE WASTE. All “solid waste” as defined in I.C. 36-9-33-2 as may be amended from time to time, including all putrescible and nonputrescible solid and semisolid wastes and recyclables generated by residences, institutions, and commercial businesses situated within the county, other than prohibited waste. **ACCEPTABLE WASTE** expressly includes garbage, rubbish, household appliances, yard waste, demolition and construction debris, and inert fill.

COUNTY. Warrick County, Indiana.

DESIGNATED FACILITY. The transfer station located at 1111 S. Pelzer Road, Boonville, Indiana, to be owned, operated and managed by the District, or such other facility as might be designated from time to time by the District.

DISTRICT. The Warrick County Solid Waste Management District created by Warrick County.

EFFECTIVE DATE. December 1, 2015, which may be extended by a period not to exceed 30 days in the event the facility and/or designated facility are not yet operational and the Board of Commissioners determines it to be in the county’s best interest, provided notice is given of the change in **EFFECTIVE DATE**.

PERSON. Any individual, group, business, association, proprietorship, partnership, corporation, limited liability company, or other entity.

PROHIBITED WASTE.

- (1) Human excreta, including septic tank sludge;
- (2) Hazardous waste as defined by the Indiana Department of Environmental Management from time to time;
- (3) Industrial waste;
- (4) Agricultural waste;
- (5) Biomedical waste;
- (6) Dead animals;
- (7) Asphalt;

(8) Automobiles and other vehicles; and

(9) Other items specified by the District and/or designated facility from time to time.
(BC Ord. 2015-21, passed 9-28-15)

§ 136.02 DELIVERY OF ACCEPTABLE WASTE.

(A) Beginning on the effective date, and at all times thereafter, any person may dispose of acceptable waste by delivering or causing the delivery of such acceptable waste to the District at its designated facility in accordance with this chapter and any applicable laws, rules, procedures, and instructions promulgated by the County Board of Commissioners or the District.

(B) Notwithstanding the foregoing, yard waste may be accumulated on residential property for composting purposes in a manner which will not create odor, harbor rodents, or become a public nuisance. Yard waste may be collected commercially as provided by the District's curbside waste and recycling pickup program.
(BC Ord. 2015-21, passed 9-28-15)

ENFORCEMENT OF CURBSIDE COLLECTION PROGRAM

§ 136.10 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HAULERS. Any person or business, other than the approved hauler selected by the District for the program, providing curbside pickup and disposal of solid wastes and recyclable materials from covered participants located within Warrick County.

COVERED PARTICIPANTS. The same meaning as adopted from time to time by the District in the program, which initially includes the following participants within the boundaries of the county exclusive of incorporated municipalities:

(1) Single-family, residential zoned properties;

(2) Multi-family, residential zoned properties that are able to utilize the containers provided by the program;

(3) Embedded commercial zoned properties, defined as those businesses embedded within residential areas and also able to utilize the containers described below; and

(4) County and municipal government properties able to utilize the containers provided by the program.

COUNTY. Warrick County, Indiana.

DISTRICT. The Warrick County Solid Waste Management District created by the county.

EFFECTIVE DATE. December 1, 2015.

PERSON. Any individual, group, business, association, proprietorship, partnership, corporation, limited liability company, or other entity.

PROGRAM. The Curbside Collection and Disposal Program adopted by the District and administered by it as of the effective date, which program may be amended from time to time by the District.

(BC Ord. 2015-29, passed 11-23-15)

§ 136.99 PENALTY.

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine as set forth in § 10.99.

(B) (1) Beginning on the effective date, and at all times thereafter, any commercial hauler who shall collect curbside waste or recyclable materials from covered participants in violation of the program shall be subject to a civil penalty, payable to the county, of \$1,000 for the first violation and \$2,500 for each additional violation. Each collection of curbside waste or recyclable materials from any covered participant after the effective date that occurs in violation of this chapter shall be deemed a separate offense.

(2) Revenues from assessed and collected penalties shall be deposited into the county's General Fund in an account as may be identified from time to time.

(BC Ord. 2015-29, passed 11-23-15)

